

1 **DAVID S. LAVINE**, CA State Bar No. 166744  
[dave@legalforcelaw.com](mailto:dave@legalforcelaw.com)  
2 **KUSCHA HATAMI**, CA State Bar No. 282954  
[kuscha@legalforcelaw.com](mailto:kuscha@legalforcelaw.com)  
3 **LEGALFORCE RAJ ABHYANKER, P.C.**  
1580 W. El Camino Real, Suite 13  
4 Mountain View, California 94040  
Telephone: 650.965.8731  
5 Facsimile: 650.989.2131

6 Attorneys for Defendant  
Raj Abhyanker  
7  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 **NEXTDOOR.COM, INC.,**  
13 **Plaintiff,**  
14 **vs.**  
15 **RAJ ABHYANKER,**  
16 **Defendant.**

17  
18 **RAJ ABHYANKER,**  
19 **Counterclaimant,**  
20 **vs.**  
21 **NEXTDOOR.COM, INC., et al.**  
22 **Counterdefendants.**  
23  
24  
25  
26  
27  
28

Case No. 3:12-cv-05667-EMC

**AMENDED DECLARATION OF RAJ  
ABHYANKER REGARDING CERTAIN  
DOCUMENTS IN RESPONSE TO JUDGE  
COUSINS' AUGUST 12, 2014 ORDER (ECF  
NO. 306).**

Courtroom: A – 15<sup>th</sup> Floor  
Discovery Judge: Hon. Nathanael Cousins

AMENDED ABHYANKER DECLARATION  
(CASE NO. 3:12-cv-05667-EMC)

1 I, RAJ ABHYANKER, declare as follows:

2 1. I am the Defendant in this lawsuit. On July 1, 2014, Judge Cousins issued an  
3 order requiring me to submit a declaration explaining my knowledge as to three categories of  
4 documents and my efforts to locate these documents. ECF No. 250, at 3:24 – 4:4. The three  
5 categories of documents are set out in ECF No. 232-1: (1) Item 3.b (“A copy of the ‘CD or flash  
6 drive’ that Mr. Abhyanker claims he received from his assistant containing the Benchmark  
7 Diligence CD”); (2) Item 3.d (“The original physical copies of the 2006 LegalForce entity  
8 corporate records”); and (3) Item 3.e (“The original physical copy of the Sandeep Sood  
9 confidentiality agreements.” ECF No. 232-1, at 2.

10 2. Each of the documents in question existed. Counsel and I made our best efforts to  
11 search all relevant CDs, flash drives, and media we had in our possession at our 1580 W. El  
12 Camino Real Mountain View office locations Suite 8, 10, 12, 13, and 14, 451 Shoreline Mountain  
13 View building, and 323 University Palo Alto location. I searched the 4211 E. Wilshire Dr.  
14 Phoenix location myself, but did not find anything there.

15 3. It is my belief that documents in question comprised whatever was produced.  
16 They were each given to my counsel in this case. I have described below what my understanding  
17 is what happened to them thereafter, but my understanding is limited given I do not have full  
18 visibility into the actions of my counsel.

19 4. In accordance with Judge Cousins’ Order, each of these categories of documents is  
20 addressed below.

21 **Item 3.b – A Copy of the CD or Flash Drive Containing the Benchmark Diligence CD**

22 5. My recollection of this document is as follows: My recollection is that legal  
23 assistant Ravi Soni provided me a copy in late 2013 when he created multiple copies for counsel  
24 in this case based on data of the Benchmark Diligence CD recovered by Central Computers. We  
25 have determined that the copy was a CD and it has been given to my counsel for production.

26 **Item 3.d – The Original Physical Copies of the 2006 LegalForce Entity Corporate Records**

27 6. My recollection of this category of documents is as follows: Babar Rana had left  
28 behind a physical folder of documents when he left his employment as the Director of Operations

1 of Raj Abhyanker LLP and Co-Founder, COO, and Interim CEO of LegalForce, Inc. in or around  
 2 January 2008. This folder of documents was located at 1580 W. El Camino Suite 8 in a filing  
 3 cabinet. I gave the folder of documents to Attorney Hannibal Odisho ("Odisho") who had been  
 4 assigned to Nextdoor.com v. Raj Abhyanker (the "case") in or around May 2013. Odisho had  
 5 been assisting my lead attorney Bruno Tarabichi ("Tarabichi"). Odisho was specifically asked to  
 6 preserve the folder of documents.

7 7. Despite this, I do not believe that Odisho preserved the folder of documents.  
 8 Particularly, on or about June 22, 2013, I asked Odisho to confirm whether he had in fact saved  
 9 this folder of documents. Odisho admitted having possession of the physical folder of  
 10 documents but asserted that that he handed the folder of documents to another Attorney Roy  
 11 Montgomery ("Montgomery") instead of retaining it himself. A spirited disagreement ensued  
 12 between Montgomery and Odisho in the days following as to the whereabouts of the physical  
 13 folder of documents and individual responsibilities with respect to organizing and preserving  
 14 evidence for discovery in this case. These disagreements were internal between my counsel, and  
 15 therefore my knowledge is limited. All I know is that I insisted that the physical folder be  
 16 preserved and provided my counsel permission to use requested calendaring and case  
 17 management tools.

18 8. My efforts to locate the folder of documents include having my staff search the  
 19 Palo Alto and Mt. View offices, where Attorneys Odisho and Montgomery worked, and inquiring  
 20 with Attorneys Montgomery, Odisho, and then lead counsel Bruno Tarabichi whether they have  
 21 any knowledge of the whereabouts. It is my understanding that they no longer do not have any  
 22 knowledge of the whereabouts of the folder of documents.

23 **Item 3.e – The Original Physical Copy of the Sandeep Sood Confidentiality Agreements**

24 9. My recollection of this copy of documents is that they were part of the folder  
 25 described in item 3.d above.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct.

3 Executed August 14, 2014 at Naples, Italy.

4  
5  Aug 14, 2014  
6 Raj Abhyanker